

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SAO LIU, et al.

Plaintiff

v.

MARGARITA RUIZ-VELEZ, et al.

Defendants

Civil No. 97-2924(SEC)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER


Before the Court is Defendant Marla Cruz Quinones motion requesting the elimination of Plaintiffs' expert witness testimony. (**Docket #65**). Federal Rule of Civil Procedure 26(a)(2) establishes the procedures regarding expert witnesses. Specifically, Section (a)(2)(B) of Rule 26 states that:

[e]xcept as otherwise stipulated or directed by the court, [the disclosure of a witness] employed to provide expert testimony . . . [shall] be accompanied by a written report prepared and signed by the witness. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

Fed. R. Civ. P. 26(a)(2)(B). The following paragraph instructs that "[t]hese disclosures shall be made at the times and in the sequence directed by the court" Fed. R. Civ. P. 26(a)(2)(C).

In the case at bar, the Court directed Plaintiff to announce its expert witness by October 31, 2000, and on that day Plaintiffs filed an informative motion explaining that they had retained David E. Cintron as an expert witness. (**Docket #64**). Plaintiffs' submission included Mr. Cintron's



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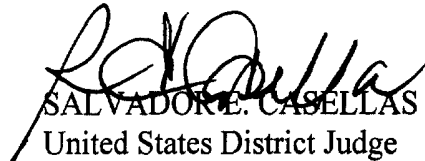
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Curriculum Vitae. However, the submission failed to mention or include the written report as required by Fed. R. Civ. P. 26(a)(2).

In light of Plaintiffs' failure to comply with this requirement, they are hereby given a final term of ten (10) days to provide Defendants with the Rule 26(a)(2)(B) expert report. No further extensions will be granted for any reason. A failure to comply with this Order will result in the elimination of Plaintiffs' expert testimony at trial. Assuming that Plaintiffs comply with this Order, Defendants are given a term of twenty (20) days to depose Plaintiffs' expert.

SO ORDERED.

In San Juan, Puerto Rico, this 27 day of June, 2001.


SALVADORE E. CASELLAS
United States District Judge